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10/612,782	07/01/2003	Budd O. Libby	2605/69513/RDK	9688

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EXAMINER	
HARPER, TRAMAR YONG	

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/612,782	LIBBY ET AL.	
	Examiner	Art Unit	
	Tramar Harper	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 14-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 14-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendment/arguments filed 10/22/07. The arguments set forth are addressed herein below. Claims 1-12 & 14-19 and Claim 13 is canceled remain pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12 & 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graves (6,955,604).

Claims 1, 2, 9, 14, and 16: Graves teaches the invention of a bingo game apparatus that comprises of a random number or bingo game generator, which provides the sequence of numbers for the bingo game, an animation drawing subsystem, which pre-recorded video clips are played corresponding to each drawn bingo number, and a remote point of sale site, where participants purchase bingo tickets electronically through a remote computer before the game starts (Spec: Col. 5, Paragraphs 4-5; Col. 8, Paragraph 2). The pre-recorded video clips can take the form of a live bail caller or person that draws and announces the numbers or it can take the form of an animated character performing the same function (Spec: Col. 4, Paragraph 3). Graves teaches

that as the bingo game events occur the host computer transmits data and code related to the respective pre-recorded clips, which are stored at the remote terminals; and the remote terminals use the codes to compile a video representation of the bingo game events (Col. 6:33-44). Graves excludes the animation drawing subsystem located at a bingo web server or the host/server side of the network. Graves teaches that the host side generates codes related to the respective pre-recorded video clips located at the client-side and the clients use the codes to compile the video representation of the bingo events. However, Applicant has not disclosed that having the animation subsystem at the server side solves any stated problem or it's for any particular purpose. Moreover, it appears that the subsystem of Graves, or the applicant's invention, would perform equally well with the animation subsystem at either location **because both provide the same function of providing a video representation of a game to remote players.** Accordingly, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified Graves such that the animation subsystem such is located at the server-side of the network because such a modification would have been considered a mere design consideration which fails to patentably distinguish itself over Graves.

Claims 3 - 6, 8, 11-12, and 17-19: Graves invention comprises of a base location and at least one remote location, which are linked via the Internet. The base location comprises of a central host computer and a verifier computer (Fig. 1, 7). The central host computer transmits information such as the bingo cards played to the verifier computer. The verifier computer stores the bingo cards played onto a database, which

is categorized by a serial number assigned to each bingo card. When the game is in progress the verifier computer receives the randomly drawn numbers of the bingo game and the serial number of any claimed winning card from the central computer. The verifier computer uses the serial number to find the claimed winning card in the database and then compares the card to the drawn numbers to determine if the claimed card is a winner (Spec: Col. 5, Paragraph 3). The verifier computer further transmits an id number that activates an algorithm to the remote computers. The algorithm instructs each remote computer to display the claimed and already stored winning card to a monitor via the internet, which is interpreted as displaying a video segment that corresponds to the winning sequence of numbers (Spec: Col. 7 - Paragraph 1, Col. 8 – Paragraph 3). If the claimed card is not a winner the game continues until a winning card is found, which is interpreted as the verifier computer comparing a plurality of claimed winning cards until the winner is found (Specification – Paragraph 26). It is inherit in the art that computer have a processor, a storage device, and some type of programmable executables in order to function, and that a computer uses the internet as a transmission means.

Claims 7, 10, and 15: Graves invention teaches the use of a network that comprises of a game host or central system linked via the Internet to remote sites. Players are able to participate at these remote sites through client computers. Participants use software already installed on the central system and remote computers to interact through the internet. It is inherit in the art that a website is a means to interact with a host and remote computers. (Spec: Col: 8, Paragraph 3)

Response to Arguments

Applicant's arguments filed 10/22/07 have been fully considered but they are not persuasive. Applicant respectfully interprets Graves to discloses that "increased band width required for transmitting still pictures or video of an actual game event results in often unacceptable increases in system cost and complexity." And that Graves invention is intended to employ low band width telecommunications to provide realistic entertainment video presentations and take advantage of low cost and high speed operations available on personal computers having large hard disk and random access memory. Furthermore, that Graves fails to indicate the storage of pre-recorded video or animations on a central computer. Applicant further submits that Graves teaches away from the claimed invention because the previous action proposed design modification would render this **reference unsatisfactory for its intended purpose.** The examiner respectfully disagrees with this assertion. Graves **never explicitly discloses that video clips should be stored on the remote location and not at the central computer so as to avoid transmission of the video or still shots.** Specifically, Graves merely teaches an invention intended to employ low band width telecommunications to provide realistic entertainment video presentations and take advantage of low cost and high speed operations available on personal computers having large hard disk and random access memory. Furthermore, Graves discloses that "with increased bandwidth, still pictures, and with a full T1 connection or satellite link to each remote site, compressed video of the actual game event can be provided," **which is an indication that sending video representative of a game from a central**

site to remote sites is well known in the art. It has been held that, "A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." In re Gurley, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994) e.g. simply because Grave discloses that with increased bandwidth, transmission of video of actual game events to remote sites can be provided and that increased bandwidth also means often unacceptable increases in system cost and complexity does not make the known or obvious variant (animation drawing subsystem or video clip system/storage at the web/host server) patentable simply because it has been described as somewhat inferior to some other variant (video clip system/storage at remote terminal) for the same use. Moreover, it appears that the subsystem of Graves, or the applicant's invention, would perform equally well with the animation subsystem at either location because both provide the same function of providing a video representation of a game to remote players. Furthermore, when considering that the applicant has failed to disclose explicitly within the specification that having the animation subsystem at the server side solves any stated problem or it's for any particular purpose the previous rejection is deemed proper and therefore maintained. It is noted that no arguments were presented with respect to claims 2-7, 9-12, and 15-19. It can only be assumed applicant acquiesces in this rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert Pezzuto
Supervisory Patent Examiner
Art Unit 3714

TH

1/15/08